

TKM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
MAY 21 2008  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 1581

UNITED STATES OF AMERICA,

Plaintiff,

v.

Angel RIOS

Defendant.

Magistrate Case No. \_\_\_\_\_ DEPUTY

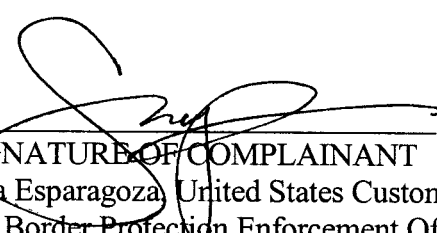
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Aliens  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **May 20, 2008**, within the Southern District of California, defendant **Angel RIOS**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Rafael CORTES-Cortes**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **21st** day of **May, 2008**

  
UNITED STATES MAGISTRATE JUDGE

TKM

**PROBABLE CAUSE STATEMENT**

The complainant states that **Rafael CORTES-Cortes** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 20, 2008, at about 1:52 AM, **Angel RIOS (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a white 1996 Mitsubishi Eclipse bearing California license plates. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented his form I-551 (Permanent Resident Card). As the CBP Officer retrieved the Permanent Resident Card from Defendant, she noticed his hand shaking. Defendant was questioned regarding his visit to Mexico and as to where he was going to in the United States. Defendant stated he had visited his aunt in Mexico and that he was now going to San Diego, California. The CBP Officer also received two negative customs declarations. The CBP Officer elected to escort the vehicle into secondary for further inspection.

In secondary, a Human/Narcotic Detector Dog screened the vehicle and alerted to the dashboard area. The CBP Canine Enforcement Officer inspected the vehicle and observed black cloth with skin and dark hair, protruding from an opening between the dashboard and the glove box, appearing to be a human being. Further investigation revealed one male concealed in a modified compartment from which he was unable to extricate himself. The compartment was located behind the dashboard of the vehicle. The individual was positioned and trapped behind the dashboard with his feet towards the drivers' side and his head pointed towards the passenger's side, directly behind the glove box. In order to free the concealed individual, the dashboard panel was required to be pulled and lifted upward. The concealed male was determined to be citizen of Mexico without legal documents to enter the United States and is now identified as **Rafael CORTES-Cortes (Material Witness)**.

During a videotaped interview, Material Witness admitted he is a citizen of Mexico without legal documentation to enter into United States. Material Witness stated he made arrangements and agreed to pay a fee of \$2,500.00 USD to be smuggled into the United States. Material Witness admitted he was going to Los Angeles, California to seek employment